

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

NO. CR. 89-106 LKK

Respondent,

v.

O R D E R

RICHARD J. AICHELE,

Movant.

_____/

The court is in receipt of movant's motion for Writ of Error Audita Querela. Apprendi v. New Jersey, 530 U.S. 466 (2000), Blakely v. Washington, 542 U.S. 296 (2004), United States v. Booker, 543 U.S. 220 (2005), etc. are not retroactive. See United States v. Cruz, 423 F.3d 1119, 1121 (9th Cir. 2005), Cooper-Smith v. Palmateer, 397 F.3d 1236, 1246 (9th Cir. 2005) (citing United States v. Sanchez-Cervantes, 282 F.3d 664 (9th Cir. 2002)). Accordingly, the petition is DENIED.

IT IS SO ORDERED.

DATED: August 11, 2010


LAWRENCE K. KARLTON
SENIOR JUDGE
UNITED STATES DISTRICT COURT